

Indian Federalism and the Indian Administrative Service

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THE democratic political system of India is on trial. The collapse of the 'one party dominance system' in the general elections of 1967, emergence of unstable coalition governments in many States, the grand split in the Congress Party in 1969, and the near certainty of 'coalition' governments being formed both in the Centre and in the States after the next general elections—all this changes the context in which the institutions of parliamentary democracy were operating. All these changes have a direct bearing on Centre-State relations in India. When the Congress Party was in power both at the Centre and in almost all the States of India up to 1967, whatever stresses and strains were observed in Union-State relations were resolved by informal methods. After the elections of 1967, a new phase in India's political life has started. Different political parties are in power in the States and at the Centre. The impact of this change has been severely felt on formal and legal institutions like those of the Governor and the Indian Administrative Service. Discussion shall be confined here to the impact of new political developments on the functioning of the Indian Administrative Service.

I

A pure federal model in essence means 'division of powers' between the Union and its units with 'autonomy' in their respective spheres of activity. If the pure model is accepted, it means that whatever powers have been given to the States should be managed by the State Government concerned with the help of its own administrative personnel and agencies. The only exception recognized in all federations is that in grave periods of emergency, crisis or breakdown of law and order, federal authority may take action in State matters with a view to helping the State government perform its functions.

No known federal system works on the basis of 'pure model'. All pure features of federations have been 'diluted'. 'Owing to the

variety of possible origins, every federalism is likely to be different from every other.¹ The framers of India's Constitution had not started on a clean slate. Certain institutions which were tested and tried in the pre-Independence period were accepted after Independence, and the concept of an all-India Service was attempted to be reconciled with the idea of federalism. An integrated, well-knit, all-India Service to manage important and crucial sectors of administration throughout the country was a 'legacy' of the past and the framers of the Constitution accepted it.²

Recruitment to the IAS (as a successor service to the ICS) is on an all-India basis. An IAS officer is allotted a State where he is expected to serve under a State government. No serious disciplinary action can be taken against a member of the IAS by a State government without the concurrence and approval of the Centre. Within the State administration, crucial positions are occupied by the IAS, who after gaining rich experience of the district and State administration can migrate to Centre to occupy positions of responsibility in the Central Secretariat or other important Central government agencies.

This arrangement, that an all-India Service shall manage affairs both in the States and at the Centre, has been justified in the interest of efficiency in administration. The Administrative Reforms Commission wrote in its report:

"At the time of Independence, two new all-India services, viz., the IAS and IPS, were created, the existing members of the old ICS and IP being borne on the new cadres. The intention of having all-India Services was mainly to ensure uniformly high standards of administration in all States in key activities, to provide for inter-change of experience between the States and the Centre, and to obtain, where needed, the experience of State administration at the decision-making levels at the Centre."³

The ARC Study Team on Centre-State relationships and the ARC Study Team on Personnel have also said that the 'continuance of the Service (IAS) is imperative'.⁴

¹ Carl J. Friederich : *Constitutional Government and Democracy* : New Delhi, Oxford & IBH Publishing Co., 1966, p. 204.

² Asok Chanda : *Indian Administration*, London, George Allen & Unwin Ltd., Second Edition, 1967, pp. 102-110.

³ ARC Report, *Personnel Administration*, New Delhi, Manager of Publications, April 1969, p. 7.

⁴ *Ibid.*, p. 8.

The ARC report asserts:

“The all-India Services have come to stay. The concepts underlying the all-India Services, namely, common recruitment which seeks to ensure uniform standards of administration in all the States, and the availability of experience gained in different parts of the country to the higher administration at the Centre are valid. More all-India Services are being contemplated in different fields of administration in the States and at the Centre. We would urge their early formation. It is, of course, obvious that such all-India services would be in a position to function effectively only if Centre-State relations continue to rest on a sound and cordial basis.”⁵

Sardar Vallabhbhai Patel defended the idea of all-India services for it provided unity to the country, efficiency to administration and offered frank and objective assessments because the selections are made on merit and on an all-India basis. He said:

“Many of them (all-India Services) with whom I have worked, I have no hesitation in saying that they are as patriotic, as loyal and as sincere as myself . . . we are talking here under security kept in very difficult circumstances. These people are the instruments. Remove them and I see nothing but a picture of chaos all over the country.”⁶

II

The questions that have to be answered on the basis of available empirical evidence regarding the functioning of the IAS are:

- (a) How did the IAS function from 1947 to 1967 ?
- (b) How are they likely to function under the changed context of Centre-State relations in post-1967 India ?

Functioning of the IAS in the States from 1947 to 1967

The Indian Administrative Service official went to the State and was expected to adjust to the demands of the State politics. There was no Governor-General or Governor to safeguard his interests as it was the case before 1947. The Central Government only ensured that no serious disciplinary action would be taken against its members of IAS. If the IAS Officer was harassed by the local or the State leaders,

⁵ ARC Report, *Personnel Administration*, *op. cit.*, p. 15: Also see: ARC Report, *Study Team on Centre-State Relationships*, Vol. I, Sept. 1967, pp. 237-271.

⁶ B. Shiva Rao (Ed.): *The Framing of India's Constitution*, New Delhi, IIPA, 1968, p. 722.

or if he was inconveniently transferred, it was he who had to thrash the issues with the State leaders. The performance of the IAS up to 1967 fell in one of the following categories:

- (1) adjusted well with the State leaders, worked efficiently, got a good chit from them and migrated to the Centre;
- (2) could not adjust well to the political culture of the State, remained unhappy and ultimately resigned; and
- (3) entered into a collusion with State leaders and became a party to maladministration.

After examining the above three categories a conclusion regarding the pattern of behaviour of the IAS in Centre-State relations up to 1967 may be reached.

The all-India Service personnel who could not adjust with the State governments charged the latter of following policies of interference in day-to-day administrative matters on purely political or party considerations. It was alleged by this category of officials that the norms of administrative efficiency came into conflict with the demands of political leaders who put pressure on the officials to do things for personal or party gains of the State leaders. Even the Chief Ministers of some of the States were a party to the harassment of the officers. The following three observations will prove that the above mentioned malady existed:

- (a) Dr. Nabgopal Das, who resigned from the ICS, has the following to say about Bengal:

“... (there) functioned on administration in which decisions were taken by only one man (Dr. B. C. Roy, Chief Minister), who would often impatiently brush aside advice given by senior officers. I do not deny that, in a problem state like West Bengal, a certain degree of firmness was both necessary and desirable, but I have always held that even the most well-meaning dictator cannot rise above his predilections and prejudices and these latter need not necessarily be always for the common good. It was not, therefore, to be wondered that the Chief Minister and I often clashed. The climax came in 1958 when, as Special Secretary, Home Department, in charge of anti-corruption and the enforcement of special laws, I started submitting reports on corruption and other

malpractices in high places and desired that action be taken against certain individuals. A gentle hint was given to me that I should 'go slow' with these enquiries. I was even promised a better assignment if only I would be a little more accommodating. Unfortunately, I was far too pig-headed to listen to such counsel. The result was a virtual deadlock causing considerable mental agony and worry to me."⁷

- (b) Similarly, N. Baksi narrates his experiences of pressures under the Congress Ministers of Bihar headed by Dr. Sri Krishna Sinha in connection with the stand he took in respect of his position 'as the court of wards'. His harassment was so acute that he resigned on the 16th March, 1959 with the statement that "my spirit was not in harmony with the official environment of my life."⁸ His whole case should be carefully studied.
- (c) N. B. Bonarjee, who was the Chief Secretary of Uttar Pradesh, resigned from the service since he found himself, "unable to fit snugly into the altered administrative ethic, resignation was the only straight forward case."⁹ Writing about his experiences as Chief Secretary, he says:

"... the question of appointments became the subject of personal likes and dislikes and the sources of canvassing. The administrative merits of officials ceased to be the criterion, and one Minister even went so far as to pass orders to me that no postings should be made to his home District without his specific consent. Even when it was explained to him that, if all Ministers were to pass similar orders, no postings could ever be made, it was doubtful whether he understood the position. The postings of key men to the Districts thus became shuttlecocks between a number of politicians motivated solely by their own personal idiosyncrasies. So much so that in some cases it became impossible to make appointments at all without considerable delay, and important and heavy Districts were left in the hands of junior and inexperienced staff at a critical time."¹⁰

⁷ Dr. Nabgopal Das: "My Life in the ICS", Kewal L. Panjabi (Ed.), *The Civil Servant in India*, Bombay, Bharatiya Vidya Bhawan, 1969, pp. 263-64.

⁸ N. Baksi, "In Bihar—The State of My Adoption", Kewal L. Panjabi (Ed.), *op. cit.*, p. 211 (pp. 141-213).

⁹ N. B. Bonarjee, *Under Two Masters*, London, Oxford University Press, 1970, p. 255.

¹⁰ *Ibid.*, p. 233

III

Another category was of those IAS Officers who succumbed to the pressures of the State political leaders and became a party to maladministration. An IAS official was expected to provide clean administration, and his all-India character was expected to ensure impartiality in conduct. The Das Commission's inquiry into the conduct of Sardar Pratap Singh Kairon, the then Chief Minister of Punjab, revealed that even the highly placed officials indulged in nepotism to curry favour with the Chief Minister. Justice Das repeatedly writes in his report that officials' conduct was influenced by a desire to please the Chief Minister, and that they did not hesitate even in doing illegal acts.¹¹

It must be noted here that compared to the State administrative officials, the IAS officials were firm and stood their ground and only a small fraction of them collapsed in integrity in the face of pressure from the State political leaders. It was not because of the presence of any special virtue in the character or personality of the IAS Officers or the absence of that virtue in the State administrative service officers. It was because of the recruitment of the IAS on all-India basis, better salary and status in the service, and its elite character. These factors ensured better level of conduct of the members of IAS. But cases are on record where the service failed to provide clean administration in the States.

IV

Besides maladjusted officials, who ultimately resigned or officials who indulged in maladministration, the IAS officers established good working relations with the political leaders in the States. Two important factors were responsible for a proper understanding between the IAS officers and the State political leaders. They are:

- (1) While dealing with the IAS officers, the State leaders knew that being members of the all-India service they (the former) would not easily fall prey to the whims and fancies of the latter. Some State leaders realised this fact on the basis of common sense intelligence; others realized it after some kind of confrontation where they found that it was difficult to influence an IAS officer.

¹¹ *Report of the Commission of Inquiry* (Das Commission), New Delhi, July 1964; See, Myron Weiner, *State Politics in India*; Princeton, Princeton University Press, 1968; Paul R. Brass, *Factional Politics in an Indian State, The Congress Party in Uttar Pradesh*; Berkeley, University of California Press, 1965, Myron Weiner, *Party Building in a New Nation: The Indian National Congress*, Chicago, The University of Chicago Press, 1967.

- (2) The IAS officers also made deliberate efforts to provide efficient and clean administration in the States because they knew that this was to be the basis of their being taken in the Centre. After serving a State government for the prescribed period (14 to 20 years) the IAS officers want to migrate to the Centre which opens many new opportunities for them. How can an IAS officer be accepted by the Central government if he has not shown efficiency as a district officer or in the state secretariat? Further, if an IAS officer has not been able to adjust to a State Minister, how can he adjust with the Union Minister? A very important variable in the behaviour of an IAS officer is his desire of going to the Union Government. This desire cannot be fulfilled if he has not received a good chit from a State government. In sum, a vast majority of IAS officers have worked efficiently and impartially in the States because it was in their own interest to do so. In a rational model of bureaucracy, climbing up in the ladder is a legitimate aspiration. This aspiration of the IAS officers to be promoted to the higher posts in the Central Government has proved useful because it has kept them efficient and honest. Some enlightened State leaders were interested in clean and efficient administration, and the IAS personnel got on very well with them.

Thus, up to 1967, some of the IAS officers could not adjust with the State leaders, some others became a party to maladministration, but the majority of them justified the objectives for which the IAS was created.

V

Post 1967 Period

The above mentioned three types of the IAS officers will continue to exist even in the changed context of Centre-State relations in India. There is an apprehension that the IAS officers may not be able to adjust well to the fast changing political landscape of the States especially where coalition cabinets are collapsing like a house of cards. The adjustment between bureaucracy and leadership takes time. In the new context of Centre-State relations, another role may be played by the IAS. With different political parties in power in the Centre and in the States, the political importance of the State leaders will increase. The Central government will have to seek cooperation of the State

leaders (irrespective of party considerations) for fulfilling certain national goals, like economic planning, agrarian reforms, and fight against unemployment. In this situation, the IAS will play a 'moderating role'. An IAS officer will tell his State leaders that so much may be accepted by the Centre, and so much of cooperation with the Centre is in the interest of the State. He will also tell his counterpart in the Centre that his State government will go to a certain extent on an issue and not beyond it. The IAS will project the right demands of the State before the Centre, and convince the State that the Centre will not tolerate more than the specified limit. Because the IAS is a well-knit integrated service, the IAS officer in the State has his counterpart in the Centre, and because both belong to the same service, all sorts of bottlenecks between Centre and the State is likely to be resolved to a certain extent through the instrumentality of the IAS. It is an important and a difficult and new role for the all-India service to act as defenders of the State government's interests, to identify with the State leaders, and to exercise 'moderating' influence on the reckless adventurism of party leaders. More and better channels of communication will have to be evolved between the Centre and the State secretariats so that respective viewpoints of the Centre and the State governments get full appreciation; and in this, the role of the IAS will be very crucial. When the Congress Party was in power both at the Centre and in the States, differences between the Centre and the State were resolved informally on party basis. With the breakdown of this system, some agency will have to perform the task of smoothening Centre-State relations; this will be the task of the IAS, whose members will have to work as errand boys, messengers, informers, negotiators, and coordinators of Centre-State activities.

VI

Safeguards for the IAS

The above analysis of the behaviour of the IAS has shown that it has to serve two masters faithfully and efficiently. The concept of the all-India service worked very well during the British period because of the unitary character of the government. In spite of the brief experiences of provincial autonomy of 1935, the British provinces were simply administrative areas subject to the full control of the Governor-General of India. Even when popular ministries were installed in the provinces, full protection was given to the ICS by the provincial Governors, many of whom were members of the Governor-General's Executive Council or had been former members of the ICS. An unbroken chain of command was established from Governor-General

to Governor to Commissioner to Collector. The chart of hierarchy was as follows:

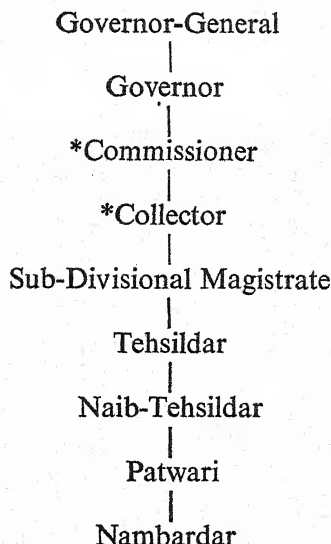


CHART 1—PRE-INDEPENDENCE HIERARCHY OF CIVIL SERVANTS

Thus all-India service fitted well into the British framework of administration.

In a federation, an all-India service is an innovation. Like all such innovations, it poses problems. The most important problem observed during the past two decades is that the IAS was left to its own ingenuity to adjust to the State governments. The Central Government recruits IAS officers and guarantees that no serious disciplinary action shall be taken against them without the prior permission or concurrence of the Centre. For the remaining conditions of work, the IAS officer has to establish his own rapport with the State government. This gives a good handle to the State government to harass him, if it is interested in doing so. The most important device adopted by the State governments to get rid of uncompromising and unobliging IAS officials has been to transfer them frequently and to post them in unimportant places¹². Postings and transfers should be on purely

*All ICS officers were on these positions. Hence, it shows that ICS was in an exclusive control of the situation.

¹² Average period of stay for District Collector of Jaipur is about one year : See : Shum Sun Nisa Alvi, *Development Role of the District Collector* (A study in Jaipur District) (unpublished thesis), Jaipur, Department of Public Administration, University of Rajasthan, 1969, pp. 37-38.

administrative considerations. Further, it is not a Minister's job to decide who will be appointed Collector in which district. Postings and transfers are administrative decisions to be taken by administrative officials. The role of Ministers in a democracy is to formulate policies and supervise their implementation. Instead of performing their main task, they are busy, it is said, in taking unhelpful interest in day-to-day matters of transfers and postings. It is not without reason that transfers of key officials are very frequent and on whimsical and political considerations. It affects the morale of the services. Besides transfers on flimsy grounds, suspension of the IAS by State government can be another device for harassment of the officials. A suspended IAS official can send memorial to the President if he feels that he is not getting fair treatment from the state government. But the Central Government cannot ask a state government not to proceed with an inquiry against an official or not to suspend him.¹³ An ICS officer enjoys this privilege. He can not be suspended by the State Government. Only President can suspend him. The Supreme Court did not uphold the suspension of R. P. Kapur, ICS, by the State Government.¹⁴ It is the Central Government's responsibility to care for the morale of the all-India Services. This factor has assumed importance because the chart of hierarchy of administrative set-up between the British period and the post-Independence era has undergone a change. The chart is as on page 331.

Hence, an institutional arrangement to defend the legitimate interests and service conditions of the IAS officers posted in the States is needed; and one suggestion can be that the Chief Secretary of a State, who is head of the Services, should be appointed by the Union Government to discharge this responsibility. This is a logical step if the morale of the all-India services has to be defended. If merit has been seen in the idea of an all-India service and experience has proved that such a service can stand the test of time, it is necessary that service conditions for such a service be safeguarded both by the Union and the State governments. The Chief Secretary of a State should enjoy great authority in matters of transfers and postings of the members of the IAS. The Maharashtra Reorganization Committee (1962-68) recommended that the Chief Secretary should "be concerned only with matters relating to transfers, appointments and promotion of Heads of Departments and senior gazetted officers".¹⁵

¹³ *All India Services (Discipline and Appeal) Rules*, 1967, Rules 3 and 7.

¹⁴ *R. P. Kapur Vs. Union of India*, A.I.R., 1964, S.C. 787.

¹⁵ Quoted in ARC Report on *State Administration*, November 1969 (Cyclostyled), p. 50.

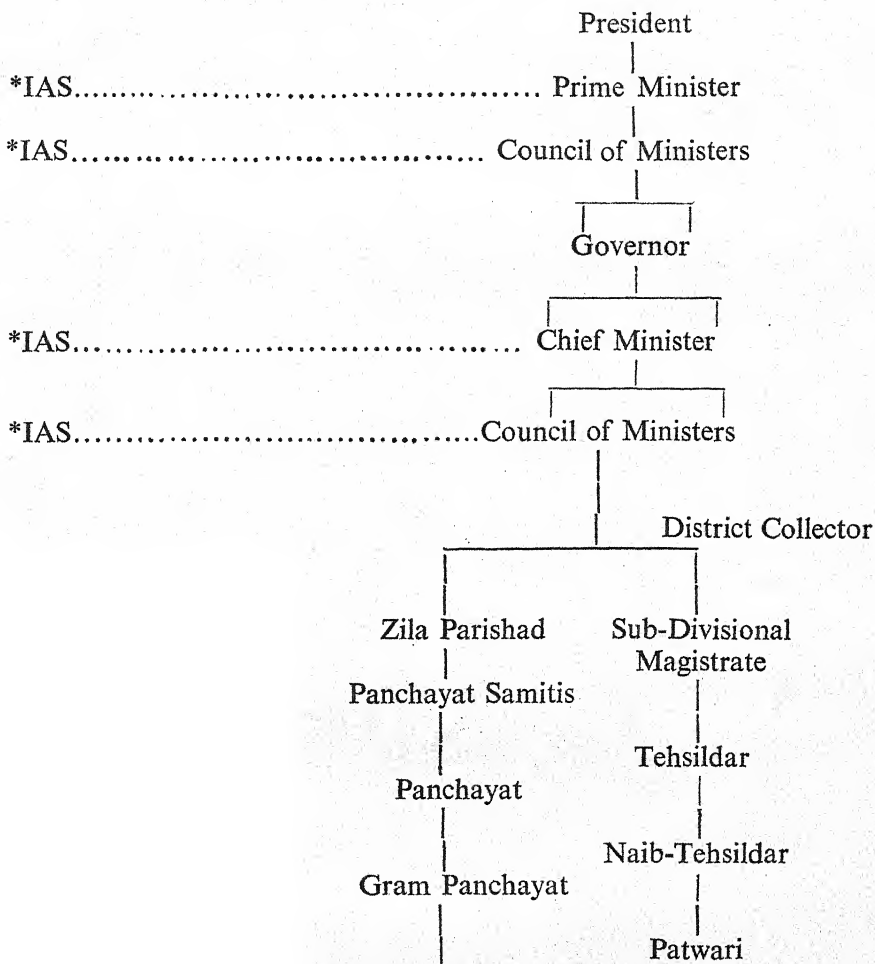


CHART 2—POST-INDEPENDENCE HIERARCHY OF CIVIL SERVANTS

The Chief Secretary can perform this function only if he can act independently of the State Government. It is surprising that the ARC Reports on Centre-State Relationships, and State Administration have nothing to say about the necessity of safeguarding the conditions of service of the IAS while working in the States. The ARC Study Team on Centre-State Relationships also observed that:

“...the Central Government must keep a vigilant eye on the health and vigour of the service for which it is, in the ultimate analysis,

* Broken lines (. . .) show supportive role of the IAS. He is accountable to the deliberative bodies. He is answerable to the political leaders. All this did not exist during British days.

responsible. For too long in the past did it adopt a policy of an acquiescent spectator"¹⁶.

But neither the Study Team nor the Report has spelt out specifically as to what kind of safeguards are needed to keep the morale high of the IAS in the States.



¹⁶ ARC Report of the *Study Team on Centre-State Relationships*, New Delhi. Manager of Publications, Vol. I, 1970, p. 241.